

APPROVED 3/4/04 DRB



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
FEBRUARY 19, 2004
MINUTES**

PRESENT: Tom Silverman, Council Member
E.L. Cortez, Vice Chairman
Jeffery Schwartz, Planning Commission Member
Michael D'Andrea, Design Member
Anne Gale, Design Member
Jeremy Jones, Design Member
Michael Schmitt, Design Member

STAFF: Jayna Shewak
Laurel Edgar
Suzanne Colver
Tim Curtis
Bill Verschuren
Al Ward
Greg Williams

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman Silverman at 1:10 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COUNCILMAN SILVERMAN read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

MINUTES APPROVAL

February 5, 2004 DRB Minutes

VICE CHAIRMAN CORTEZ MADE A MOTION TO APPROVE THE FEBRUARY 5, 2004, MEETING MINUTES AS AMENDED ON FEBRUARY 18, 2004. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

CONSENT AGENDA

68-DR-2002#2 Perimeter Center Office Building
Site Plan & Elevations
8665 E. Hartford Drive
Butler Design Group, Architect/Designer

13-PP-2003 Sierra Boulders
SEC Black Mountain Rd & 84th St.
Preliminary plat
Creative Environment Design &
Landscape, Architect/Designer

(PULLED TO REGULAR AGENDA)

22-PP-2003 DC Ranch Parcel 5.12
DC Ranch Planning Unit V
Preliminary plat
Wood Patel, Engineers

10-DR-2004 DC Ranch Parcels 5.9a, 5.11 & 5.12
Thematic Design
DC Ranch Planning Unit V
Primas & Associates, Engineers

71-DR-2003 Encore by Cachet Homes (Grayhawk)
20750 N. 87th Street
Site plan & Elevations
Todd & Associates, Inc,
Architect/Designer

APPROVED

77-DR-2003 Water Treatment Plant
8660 Union Hills Dr.
Site Plan & Elevations

79-DR-2003 Indian School & Granite Reef Retail Building
8402 E. Indian School Rd
Site plan & elevations
K & I Architects, Architect/Designer

(VICE CHAIRMAN CORTEZ DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE VOTE.)

80-DR-2003 Northsight Pads 3 & 4
14884 North Pima Road
Site plan & Elevations
Andrews DesignGroup, Inc.
Architect/Designer

(PULLED TO REGULAR AGENDA)

86-DR—2003 CitiChurch International
9601 E. Cactus Rd
Site plan & Elevations
Modular Technology, Architect/Designer

(PULLED TO REGULAR AGENDA)

93-DR-2003 Pet Medical & Surgical Center
17477 N. 82nd Street
Site plan & Elevations
Patrick Hayes Architecture
Architect/Designer

MR. SCHWARTZ MOVED TO APPROVE CASES 68-DR-2000#2, 22-PP-2003, 10-DR-2004, 71-DR-2003, 77-DR-2003 AND 93-DR-2003. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

MR. SCHWARTZ MOVED TO APPROVE CASE 79-DR-2003. SECOND BY MR. D'ANDREA.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0) WITH VICE CHAIRMAN CORTEZ ABSTAINING.

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REGULAR AGENDA

13-PP-2003

Sierra Boulders
SEC Black Mountain Rd & 84th St.
Preliminary plat
Creative Environment Design &
Landscape, Architect/Designer

MS. COLVER stated in study session, the Board had questions regarding the preservation of boulders. She further stated they could stipulate the building envelope be redrawn to show the boulder outside of the buildable envelope.

MR. SCHMITT stated if the applicant is willing to stipulate to preserving those that would be fine, but he did not see anything in the photographs that (he would consider) a significant feature he worry about preserving. Ms. Colver replied that in accordance with ESLO provisions, none of the boulders meet the strict definition for preservation, although with the new requirements in ESL to provide documentation of 6 feet or greater in diameter, the applicant has made a greater attempt at preserving those features.

VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASE 13-PP-2003 WITH THE AMENDED STIPULATION THAT THE APPLICANT WILL REVISE THE NOTE ON LOT NUMBER 9 INDICATING THE BOULDER OUTCROPPING WOULD REMAIN AS PART OF THE NAOS. SECOND BY MR. SCHWARTZ.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

80-DR-2003

Northsight Pads 3 & 4
14884 North Pima Road
Site plan & Elevations
Andrews DesignGroup, Inc.
Architect/Designer

MR. SCHWARTZ stated that he had a concern about color and he requested the presentation be expedited to address that concern.

VICE CHAIRMAN CORTEZ inquired about the use of the aluminum door and window frame that has been used consistently through the drawings. Mr. Verschuren inquired if this was for this case or the Water Treatment Plant case. Vice Chairman Cortez replied the Water Treatment Plant case. Mr. Verschuren reported the reason they are using aluminum is because it is a water plant, there is a lot of water around there, they don't like to use the steel because of the condensation, and it rusts faster. Ms. Shewak commented staff understands the Board's concern regarding aluminum verses hollow metal. One thing that might

APPROVED

help as they consider the Water Treatment Plan is that its visibility from the public view is from a distance and is not a public building.

MR. SCHWARTZ remarked that he was concerned about the color palette on the north side. He further remarked that in the past this Board has expressed concern about the pink color. He stated he would like to see the applicant bring back a different color sample that is less pink and more indicative of the hues in that area of town.

DON ANDREWS, Andrews Design Group, stated they would work with the color palette. He further stated the buildings flanking this building have already started that trend so they were following that theme to have harmony between the buildings. He remarked that he did not have a problem trying to find a different color but would request if it is stipulated to come back through staff.

MR. D'ANDREA stated that it would be beneficial to see the stone sample and the glass. Mr. Andrews stated that would be acceptable.

MR. SCHWARTZ MOVED TO APPROVE CASE 80-DR-2003 WITH THE ADDITIONAL STIPULATION THAT THE APPLICANT BRING TO THE NEXT WORK STUDY SESSION REVISED COLORS OF THE BUILDING INCLUDING SAMPLES OF THE STONE AND GLASS FOR THEIR REVIEW. SECOND BY MR. JONES.

VICE CHAIRMAN JONES inquired if the sign package would come before the Board. Mr. Verschuren replied the applicant is in the process of putting the sign package together to submit to the One Stop Shop at the City. At that time, it would be evaluated to determine if it meets the criteria to come to the Board for the Master Sign Plan or if the permit could be done over the counter.

VICE CHAIRMAN CORTEZ stated there has been discussion regarding sign packages coming before the Board particularly if the signs are integrated into the building. He requested the motion be amended to have the sign package return to the Board.

MR. ANDREWS reported they are in the process of finalizing the sign package, however, there would not be any signage that is part of the building and would not be part of the design element. He further reported they would come back in two weeks and provide in-depth information.

MR. SCHWARTZ AMENDED THE MOTION TO REQUIRE THE APPLICANT TO BRING FORWARD THE SIGN PACKAGE AT THE NEXT STUDY SESSION IN TWO WEEKS. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

APPROVED

86-DR-2003

CitiChurch International
9601 E. Cactus Rd
Site plan & Elevations
Modular Technology, Architect/Designer

MR. WARD presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

COUNCILMAN SILVERMAN stated he had over 40 citizen comment cards from individuals in favor of this request but did not wish to speak.

WENDY REIDELL, Beus Gilbert, 4800 N. Scottsdale Road, legal counsel representing the applicant, stated they are prepared to give a full presentation or alternatively she could address the letter that was received today by their office and answer any questions.

MR. SCHMITT stated the amended stipulations strike the provision for the trail. Ms. Reidell stated the modified stipulations do strike the trail because it is already planned with the right-of-way improvements that are fully funded by the City for Cactus and 96th Street.

Mr. Schmitt requested information regarding where the dark brown color would occur.

DORETTA GRODZINSKI, architect, stated the dark brown color would be used as an accent used on the windowsills and as a door treatment.

Mr. Schmitt inquired if there was an attempt to break up the massing of the sanctuary building. Ms. Grodzinski replied that building is a simple shape that represents the function of the interior noting the building steps in height from 26 foot to 18 foot.

VICE CHAIRMAN CORTEZ requested confirmation that there is not a proposed bell tower or monument of any kind proposed. Ms. Grodzinski replied in the affirmative. She noted they were concerned about the views on the corner of 96th Street and Cactus so they chose to propose a neutral non-dominant building

(COUNCILMAN SILVERMAN OPENED PUBLIC TESTIMONY)

JERRY RHEM, 12051 N. 96TH Street, stated he was representing Mr. Floyd Conroy and Mr. Bates, noting that Mr. Bates' property is directly north of the church and Mr. Conroy has the property directly to the south. He further stated Mr. Bates is asking that this request be delayed until serious issues can be addressed. They are concerned about drainage issues, perimeter wall issues, issues of utility easements, parking lot lighting, building height, and landscape.

APPROVED

He remarked this is an equestrian area with a lot of horse properties, and they felt that a number of the church members who are not used to equestrian conditions might lead to requests for change. He further remarked that although the property was designed for a church previously, they are not sure the same requests and requirements for the City of Scottsdale would take effect with this facility.

DAWN BROKAW, 9909 E. Paradise Drive, spoke in opposition to this request. She stated she has lived in the Cactus Corridor for 14 years and she was active in the Cactus Corridor Study. She further stated that study was done 12 years ago but is still of value today. She shared her experiences regarding other zoning cases that have occurred in this area and working with Mayor Drinkwater. She reported she spoke with the Pastor of the church regarding preserving the character of the Cactus Corridor and he indicated that he was willing to work with them in a limited capacity. She further reported this plan has many problems. The building is a box and is bigger than any house in the area. There are parking lot walls. She noted that she has letters from two neighbors in the area that also has concerns and is not in favor of this case.

SUSAN WHEELER, 9616 E. Kalil Drive, spoke in opposition to this request. She stated she has concerns regarding the walls because the Cactus Corridor Study discourages walls. She further stated there are also water flow issues. She reported the lights are a concern because people in the Cactus Corridor do not want lights. She further reported she is concerned about the horse trail, noting they need to do something to protect the riders especially on the 96th Street Trail. She remarked this is an equestrian neighborhood and there are a lot of horse activities. She further remarked right now there is the Arabian Horse Show so there are a lot of horses in the area. She added that there are a lot of smells and a lot of dust but that is part of the character of the area.

CHUCK HEATH, 8938 E. Davenport Drive, spoke in support of this request. He stated he believed this church would add to the value of that area. He further stated he knew the leadership of this church and part of their vision for the church is for it to be a value to the neighborhood.

KEITH RUSHING, 12366 N. 76th Street, spoke in favor of this request. He stated he felt churches and synagogues are a key part of the community representing the moral and spiritual fiber and their strength as a people. He noted he believed CitiChurch is passionate about the well being of the community.

LIN HAINLEN, 12344 N. 96TH Place, stated her property is directly north adjacent to the entire property line of this church. She further stated that she wanted to be on the record that the church agreed to put a wall up first so that they would have less dust and scorpions. She noted that she was concerned about the façade of the building that faces their property because it looks like a

APPROVED

grocery store in the back. She further noted that she was concerned about property values with this church being so close to her property. She reported the church has promised to put a full line of mature trees to help soften the view. She further reported that she was concerned about the lights because the back was adjacent to their back yard. She remarked that she would like it to be put in writing that the church would not run a school or daycare on the property. She noted that she has show dogs and she is concerned about nonstop barking because of the increased level of activity.

MR. SCHWARTZ asked a series of questions regarding the orientation of Ms. Hainlen's home. Ms. Hainlen reviewed the orientation of her home.

(COUNCILMAN SILVERMAN CLOSED PUBLIC TESTIMONY)

DR. TERRY CHRIS, Pastor of CitiChurch, provided information on the process involved in purchasing this property. He noted they appreciate the equestrian value of the area. He noted they would be providing landscaping and appropriate setbacks. He provided a brief review of the site plan. He reviewed the community impact. He read several letters of support for the project from neighbors. He noted the majority of the traffic would be from 9:00 am to noon on Sunday.

MR. D'ANDREA inquired if this is a modular building. Mr. Chris replied in the negative. He stated they originally contracted with Modular Technology to get them through the design phase however due to budgetary considerations they pushed it back to traditional building.

Mr. D'Andrea inquired about the on-site retention. Mr. Chris replied they are making provisions for that.

COUNCILMAN SILVERMAN inquired about the proposed landscaping on the north side. Mr. Chris stated they would be happy to add additional landscaping to satisfy the neighbors.

Councilman Silverman inquired if the applicant would consider lowering the lighting. Mr. Chris replied they would do everything within their budget. He stated they are not adding as much lighting as they would be allowed and the engineers are concerned they may be in the position for liability with the insurance companies. The Engineer on this project presented information on what they need to do to meet the requirements for lighting on this site. Councilman Silverman remarked there have been cases in the past like the Saint Patrick's Catholic Church where they had special provisions. Ms. Shewak replied some of the lighting provisions are from that case.

APPROVED

Councilman Silverman inquired if the applicant was willing to stipulate not to have a charter school at this site. Ms. Reidell reported they have no intention to put a school in at this time. They do not know what the future may hold. She further reported if they did decide to have a school they would have to go through the use permit process.

MR. SCHWARTZ stated his biggest concern was regarding lighting. He further stated he would like to move forward with this case allowing staff to work with the applicant and neighbors to come up with a reasonable solution.

MR. CHRIS stated they have an issue that they are not in full agreement with staff regarding the stipulation between the stand-alone feature and the building itself. Ms. Grodzinski stated the reason they are concerned about the stipulation is that they are not quite sure of the benefit that latticework would provide. They have a well-designed lobby entryway, which will serve as a gathering area for people coming into the building and people would not spill out in front of the church. Mr. Ward remarked they are referring to Stipulation No. 11.

MS. GALE stated she would support the stand-alone feature as presented. She further stated that she would like to speak in sympathy of the neighbors and the Hainlen's request that the applicant addresses the north elevation of the building with great care. She remarked with regard to interior function, it would seem the sanctuary would benefit with having north light. And two windows on the north elevation would be supportive of the interior function. She concluded that there was no reason for a church to look like a store in the back. Mr. Chris replied the reason there are no windows is because they want the sanctuary to be dark for theatrical productions. Ms. Gale inquired if the applicant would consider addressing the north elevation to provide greater architectural interest. Mr. Chris replied in the affirmative.

MR. JONES stated that he was amazed at the fact that they would not have any natural light into the sanctuary because it almost seems like hiding from daylight, which does not seem like normal church like activity. He further stated he did not know if that alone has to be the feature but it is up to them to determine the function. Mr. Chris replied that they would take a strong look at it.

MR. SCHMITT stated there maybe a couple of opportunities on the north elevation to put the storage area behind the presentation area of sanctuary, and there is a chance to drop the parapet height and create some relief there. Perhaps at the north end of the youth room the wall could be step-backed to break up the length it's length.

MR. JONES MOVED TO APPROVE CASE 86-DR-2003 WITH THE FOLLOWING ADDED STIPULATIONS:

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- 1) **THE ARCHITECT AND CHURCH WORK WITH STAFF TO SEE IF THEY CAN'T ADD SOME INTEREST AND THE BOARD WOULD TRUST THE JUDGMENT OF STAFF.**
- 2) **ADDITIONAL REVIEW OF THE LIGHTING BELIEVING LOWER LEVEL LIGHTING WOULD BE ADEQUATE FOR THAT SITE.**
- 3) **OMIT STIPULATION NO. 11.**
- 4) **ADDITIONAL REVIEW OF THE LANDSCAPING.**

SECOND BY MR. SCHWARTZ.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

98-DR-2003#2

McDowell Village Senior Housing
Refuse Enclosures
8302 E. McDowell Rd.
Red Group LLC, Applicant/Architect

MR. CURTIS presented this case as per the project coordination packet.

SCOTT LATEN, Red Group, stated they went back and looked at the three possible solutions for trash enclosures. He reviewed the three proposed plans highlighting the advantages and disadvantages of each plan.

MR. SCHWARTZ asked which plan Mr. Laten preferred. Mr. Laten replied he preferred Plan A.

MS. GALE inquired how many parking spaces would they lose by going with Plan C. Mr. Laten replied a net loss of three. Ms. Gale remarked Plan C seems to satisfy the needs of the neighbors and gets the trash all in one spot and would be screened from McDowell Road with landscaping. She further remarked she remembers the comment that the senior citizens do not take out their own trash, that it is collected from the building, so the distance would not be a problem for them. Mr. Laten commented the trash is positioned to the north and that would mean the individual removing the trash from the holding rooms is going to be in harms way because that individual would be standing in the roadway to place the trash into those containers. The other two alternatives do provide a staging area. Ms. Gale reported all things being said she would support Scheme C.

MR. LATEN stated he would like to emphasize the importance of the parking spaces.

COUNCILMAN SILVERMAN stated he appreciates that, but he would think many of the tenants will not have cars. Mr. Laten replied on a typical development the parking ratio would be 1.9 parking spaces per dwelling unit and they have determined that .6 parking spaces would be appropriate per dwelling

APPROVED

unit. However, they want to make sure they do provide one parking space for every unit in case everybody wanted a car so that no one would be without a parking space.

MR. SCHMITT stated he read the letter from Mrs. Tanner and she indicated that since the last meeting there has been no communication directly with her. He further stated that he was disappointed about that because it is critical to satisfy the people in this area. He remarked his preference would be Scheme B because it appears to function the best.

MR. JONES stated that he has come to the conclusion that the southern location next to the Circle K has a lot of advantages because it gets the trash away from all of the houses and puts it in one area. He further stated that there is also the issue of noise from the trash vehicles that could wake the residents because they could chose to sleep anytime of the day so he felt the southern site would work the best.

MR. LATEN reported of all the choices Scheme C is their least favorite because it does not afford room for a staging area and break down area.

MR. D'ANDREA stated that he would support Scheme A or B because he felt Scheme C is too close to the entry.

VICE CHAIRMAN CORTEZ inquired why Scheme A and B only show two trash containers and Scheme C show three. Mr. Laten stated there has always been a trash container near the Circle K because they wanted to get the kitchen garbage away from the residents.

(COUNCILMAN SILVERMAN OPENED PUBLIC TESTIMONY)

AMY TANNER, 8233 E. Elm, stated all of the trash containers are ugly and she does not want that to be the first thing the neighbors see. She further reported that she supported Plan C because it is the farthest away from the neighbors. She commented that Mr. Laten loves his plan A and does not want to pick Plan B because it affects the neighbor in 368. She further commented at the last meeting it was indicated that the neighbor in 368 does not care, but she (Ms Tanner) does so she requested they consider that. She remarked that she was very disappointed that she was not contacted regarding the proposed plans. She further remarked she did not think that was appropriate way for a developer to deal with neighbors. She concluded her second choice would be Plan B.

MR. SCHWARTZ inquired if Ms. Tanner is concerned about the view of the trash enclosures. Ms. Tanner replied that she was concerned about a lot of things including the view. She stated that she was concerned the trash truck would not close it and it would be left open. She was concerned about the danger the

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enclosed structure could pose to their children creating a place for access to criminal activity. Mr. Schwartz stated he felt a line of sight study would show that the neighbors and Ms. Tanner would never see the trash enclosures. He added he would recommend Plan A or B.

(COUNCILMAN SILVERMAN CLOSED PUBLIC TESTIMONY)

MR. LATEN stated that he had been advised by their legal counsel that RED Group does need to object on the record to Plan C.

VICE CHAIRMAN CORTEZ inquired about the basis to the objection to Plan C that they submitted. Mr. Laten replied they are concerned about the proximity of Plan C because they would lose the parking canopies. Plan C would preclude them from putting pedestrian linkage to Circle K. He added they would like the seniors to have shade for their vehicles.

MR. SCHWARTZ MOVED TO APPROVE CASE 98-DR-2003#2 WITH TRASH LOCATION SCHEME B. SECOND BY MR. D'ANDREA.

THE MOTION FAILED BY A VOTE OF THREE (3) TO FOUR (4) WITH MS. GALE, VICE CHAIRMAN CORTEZ, MR. JONES, AND COUNCILMAN SILVERMAN DISSENTING.

MR. JONES MOVED TO APPROVE CASE 98-DR-2003#2 WITH TRASH ENCLOSURE LOCATION SCHEME C. SECOND BY MS. GALE.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO THREE (3) WITH MR. SCHWARTZ, MR. SCHMITT, AND MR. D'ANDREA DISSENTING.

13-DR-2004

Acoma Building
14631 N. Scottsdale Road
Color Changes
DFD Cornoyer Hedrick, Architect

MS. SHEWAK presented this case as per the project coordination packet. Staff recommends approval of the applicant's submitted Option 1, subject to the attached stipulations.

MR. D'ANDREA noted that it was requested an elevation be shown with the existing trees and that some stay. He stated that it does not seem if anything has been done since two weeks ago. He further stated that he would like to reiterate his comment that he saw a lot more opportunity for this building especially in the entry area and would not support the proposal. Ms. Shewak stated there is an error on the stipulations relative to the trees. She further stated

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if the Board decides to approve this scheme it would be consistent with Attachment 4 of the staff report noting the stipulations say No. 3.

The architect for the project reported that he met with the owner of the building and originally presented him with more vibrant colors and he felt they should go with more neutral colors to compete with the Class A building across the street. The owner of the building did not want it to appear as a retail building. He stated the owner of the building has requested they don't spend anymore time on this issue and just present it to the Board and they can either vote it up or down.

MR. JONES MOVED TO APPROVE THE NEW COLOR SCHEME FOR 13-DR-2004 FOR THE TWO REASONS THAT IT IS A SOFTER MORE RECEIVING COLOR PALETTE AND THIS PARTICULAR BUILDING IS SIMPLE AND CLEAN ENOUGH IN DESIGN THAT IT DOES NOT NEED ADDITIONAL TREATMENT. HE ADDED HE LIKES TO ENCOURAGE PEOPLE TO MAINTAIN THEIR BUILDINGS. SECOND BY MR. SCHWARTZ.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ONE (1) WITH MR. D'ANDREA DISSENTING.

MR. SCHWARTZ stated he felt in the future it would be helpful for the Board to receive pictures of the surrounding properties to help them make better decisions.

COUNCILMAN SILVERMAN stated this is his last DR Board meeting and he would like to thank staff and his fellow Board members' for all of their support.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 3:05 p.m.

Respectfully Submitted

"For the Record" Court Reporters

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